

IN RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE
W/S Falls Road, 1150' N of c/l of Old Court Road (10212 Falls Road)
3rd Election District
2nd Councilmanic District
West Rockland Association, Inc.,
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-389-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed by the legal owners of the subject property, the West Rockland Association, Inc. The Petitioners request a special exception to use the subject property for a riding stable pursuant to §1802.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and a variance to permit a front yard setback of 15 ft. in lieu of the required 70 ft. pursuant to §1801.2.C.1.a of the B.C.Z.R., all as more particularly described on Petitioner's Exhibit 1.

Dr. and Mrs. John T.H. Johnson appeared on behalf of the Petitioners, the West Rockland Association, Inc., which is the group of surrounding property owners who own the riding stable grounds and facilities in common. Petitioners were represented by G. Paige Wingert, Esquire. There were no protestants present at the hearing.

Testimony and evidence revealed that the subject property, located at 10212 Falls Road, consists of

approximately 3.093 acres zoned DR-1 and is improved with a private drive and a two-story frame barn as depicted on Petitioner's Exhibit 1. The Petitioners are desirous of legalizing the use of the subject property as a riding stable. The testimony proffered for Dr. Johnson indicated that the property has been used as a riding stable for many years and that this use, in fact, predates the existence of the Zoning Regulations in Baltimore County. The barn itself is registered on the National Register of Historic Sites. The Petitioners and their counsel indicated that they have contacted the neighboring residences in the community as well as the Rockland Community Association and the Ruxton-Riderwood Community Association, and have received their support for the continued existence of the riding stable operation.

It is clear that the B.C.Z.R. permits the use proposed in a DR-1 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in §502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts

and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R. Moreover, I find that without the requested front yard setback variance for the barn, the Petitioners would be subject to an unreasonable hardship.

After reviewing all of the testimony and evidence presented, I find that the special exception and variance should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested by virtue of the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of June, 1993 that the Petition for Special Exception to use the subject property, zoned DR-1, for a riding stable, pursuant to §1802.1

of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance to permit a front yard setback of 15 ft. in lieu of the required 70 ft. for a non-residential principal building pursuant to §1801.2.C.1.a of the B.C.Z.R. be and is hereby GRANTED.

Any appeal of this decision must be taken in accordance with § 26-132 of the Baltimore County Code.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

ORDER RECEIVED FOR FILING
Date 6/21/93
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 21, 1993

Robert A. Hoffman, Esquire
G. Paige Wingert, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
W/S Falls Road, 1150' N of the c/l of Old Court Road (10212 Falls Road)
3rd Election District - 2nd Councilmanic District
West Rockland Association, Inc. - Petitioners
Case No. 93-389-XA

Dear Messrs. Hoffman & Wingert:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjjs

cc: People's Counsel

File

Petition for Special Exception

to the Zoning Commissioner of Baltimore County
for the property located at 10212 Falls Road, Brooklandville, Maryland 21022 which is presently zoned DR 1

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a riding stable pursuant to Section 1802.1 of the Baltimore County Zoning Regulations or in the alternative a Special Hearing to determine that the riding stable is a non-conforming use.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchased/Lessor:
(Type or Print Name)
Signature
Address
City State Zip

Legal Owner(s):
John T. H. Johnson
(Type or Print Name)
Signature
(Type or Print Name)

Agency for Petitioner:
Robert A. Hoffman, Esquire
(Type or Print Name)
Signature
210 Allegheny Avenue 494-6200
Towson, Maryland 21204

10214A Falls Road, Box 1162
Brooklandville, MD 21022 823-6479
Robert A. Hoffman Esquire
210 Allegheny Avenue
Towson, Maryland 21204 494-6200

ESTIMATED LENGTH OF HEARING: [Blank]
All the following dates: [Blank]
RECEIVED BY: [Signature] DATE: 6-4-93
ITEM # 397

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 10212 Falls Road, Brooklandville, Maryland 21022 which is presently zoned DR1

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.2.C.1.a of the Baltimore County Zoning Regulations to permit a front yard setback of 15 feet in lieu of the required 70 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchased/Lessor:
(Type or Print Name)
Signature
Address
City State Zip

Legal Owner(s):
John T. H. Johnson
(Type or Print Name)
Signature
(Type or Print Name)

Agency for Petitioner:
Robert A. Hoffman Esquire
(Type or Print Name)
Signature
210 Allegheny Avenue 494-6200
Towson, Maryland 21204

10214A Falls Road Box 1162
Brooklandville MD 21022 823-6479
Robert A. Hoffman Esquire
210 Allegheny Avenue
Towson Maryland 21204 494-6200

ESTIMATED LENGTH OF HEARING: [Blank]
All the following dates: [Blank]
RECEIVED BY: [Signature] DATE: 6-4-93
ITEM # 397

GORDON T. LARSON
DENNIS H. MILLER
EDWARD F. DEAN-LOHN
BRUCE S. DODD

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
SUITE 100
320 EAST TOWNSHOWN BOULEVARD
TOWSON, MARYLAND 21286-5318
410-823-4470
FAX 410-823-4473

93-389-XA
APRIL 28, 1993

ZONING DESCRIPTION

Commencing at the intersection of the centerline of Old Court Road and the centerline of Falls Road, thence (1) Northerly 1350 feet, more or less, and (2) South 88 degrees 22 minutes 20 seconds West 450 feet, more or less, to the point of beginning, thence along the South 88 degrees 22 minutes 20 seconds West 625.23 foot line of Lot 1 as shown on "Subdivision of Parcel 'C' Rockland Estate" recorded among the Land Records of Baltimore County in Plat Book E.H.K.Jr. 49 Page 142, thence continuing along said line (1) South 88 degrees 22 minutes 20 seconds West 204.86 feet to the beginning of the South 73 degrees 36 minutes 26 seconds West 80.72 foot line on said plat, thence with said line (2) South 73 degrees 36 minutes 26 seconds West 26.00 feet, thence for lines of division (3) South 01 degree 37 minutes 40 seconds East 110.00 feet (4) North 88 degrees 22 minutes 20 seconds East 230.00 feet and (5) North 01 degree 37 minutes 40 seconds West 116.63 feet to the place of beginning.

Containing 0.614 of an Acre, more or less.

Being part of Lot 1 as shown on "Subdivision of Parcel 'C' Rockland Estate" recorded among the Land Records of Baltimore County in Plat Book E.H.K.Jr. 49 Page 142



ITEM # 397

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 5/16/93
Posted for: Special Exception & Variance
Petitioner: John T. H. Johnson
Location of property: 10111 Falls Road, 4th & 112th N. Del. Ave. 7th
Location of Sign: Along Roadway on property to be zoned
Remarks: None
Posted by: MSB Date of return: 5/18/93
Number of Signs: 2

93-389-XA

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 130849
ITEM # 397
DATE: 5-4-93 ACCOUNT: R-44-2150
POSTED BY: 5/24/93
AMOUNT: \$ 620.00
RECEIVED FROM: John Johnson
PURPOSE: SPECIAL EXCEPTION & VARIANCE
FOR: Special Exception - 320.00
VARIANCE - 300.00
POSTING - 20.00
TOTAL: \$ 620.00
BALANCE: \$ 620.00
DATE: 5/24/93

TO: POUSETT PUBLISHING COMPANY
5/20/93 Issue - Jeffersonian
Please forward billing to:
John T. H. Johnson
102148 Falls Road, Box 1162
Brooklandsville, Maryland 21222
410-823-6477

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-389-XA (Item 397)
10212 Falls Road
W/S Falls Road, 1150' +/- W of c/1 Old Court Road
3rd Election District - 2nd Councilmanic
Petitioner(s): John T. H. Johnson
HEARING: MONDAY, JUNE 14, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for a riding stable or in the alternative, a Special Hearing to determine that the riding stable is a non-conforming use.
Variance to permit a front yard setback of 15 feet in lieu of the required 70 feet.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

MAY 14 1993

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-389-XA (Item 397)
10212 Falls Road
W/S Falls Road, 1150' +/- W of c/1 Old Court Road
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Special Exception for a riding stable or in the alternative, a Special Hearing to determine that the riding stable is a non-conforming use.
Variance to permit a front yard setback of 15 feet in lieu of the required 70 feet.

Carl J. Jara

Arnold Jablon
Director

cc: John T. H. Johnson
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/20, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/20, 1993

THE JEFFERSONIAN,

S. Zebe Orkin
Publisher

NOTICE: The Zoning Department of Baltimore County is responsible for the accuracy and completeness of the information contained in this notice. If you are a party to a hearing, you are responsible for the accuracy and completeness of the information contained in this notice. If you are a party to a hearing, you are responsible for the accuracy and completeness of the information contained in this notice. If you are a party to a hearing, you are responsible for the accuracy and completeness of the information contained in this notice.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 4, 1993

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. 93-389-XA, Item No. 397
Petitioner: John T. H. Johnson
Petition for Special Exception and Variance

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 4, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: June 4, 1993
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioners will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:hak

Enclosures

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. +397 (K)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Costantini, Chief
Engineering Access Permits
Division

My telephone number is _____

For more information, call 410-333-1350 or 410-333-1351. If you are a party to a hearing, you are responsible for the accuracy and completeness of the information contained in this notice.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee Date: May 14, 1993

FROM: Captain Jerry Pfeifer
Fire Department

SUBJECT: Comments for 05/24/93 Meeting

Item 396	Buildings, roads and systems designed to deliver water for fire protection purposes shall be approved by the Fire Department.
Item 397	Driveway shall be of a width to provide for Fire Department vehicle access.
Item 398	No Comments
Item 399	Space shall comply to the 1991 Life Safety Code and the Baltimore County Fire Prevention Code.
Item 400	Townhouses, for which the initial building permit is applied for after July 1, 1992, are required by State Law to be sprinklered. Additional fire hydrants are needed on Binnacle Lane, Seabreeze Lane, and teh north section of Marina Drive.
Item 401	No Comments
Item 402	Space shall comply to the 1991 Life Safety Code and the Baltimore County Fire Prevention Code.
Item 403	No Comments
Item 404	No Comments

RECEIVED
MAY 17 1993
ZADM

INTER-OFFICE CORRESPONDENCE

INFORMATION:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and a site visit, staff recommends that the plan be amended to show the following:

- Number of horses to be kept on the property, and
- An indication that restroom facilities are available for riders and visitors.

PK/JL:lw

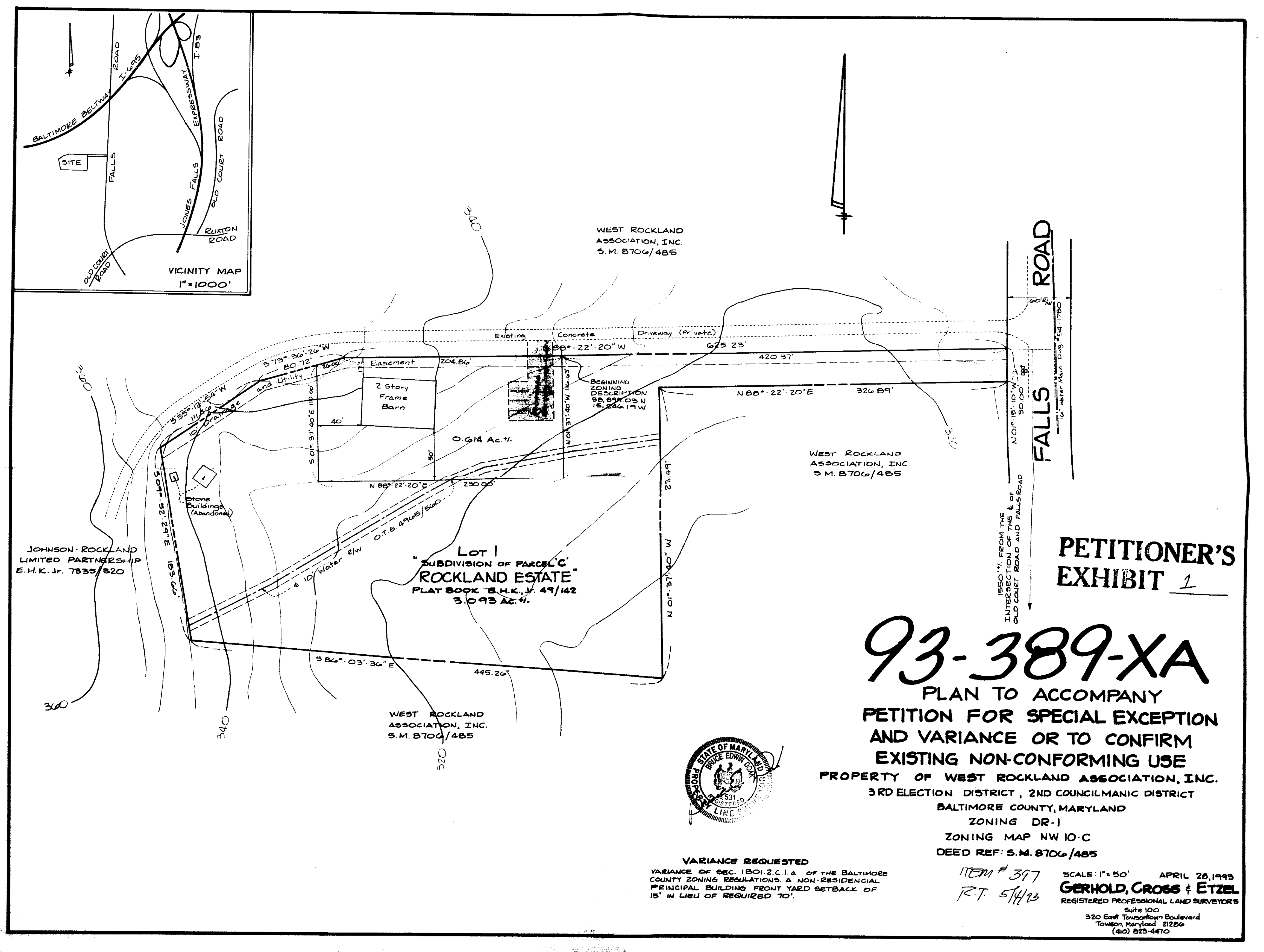
PLEASE PRINT CLEARLY

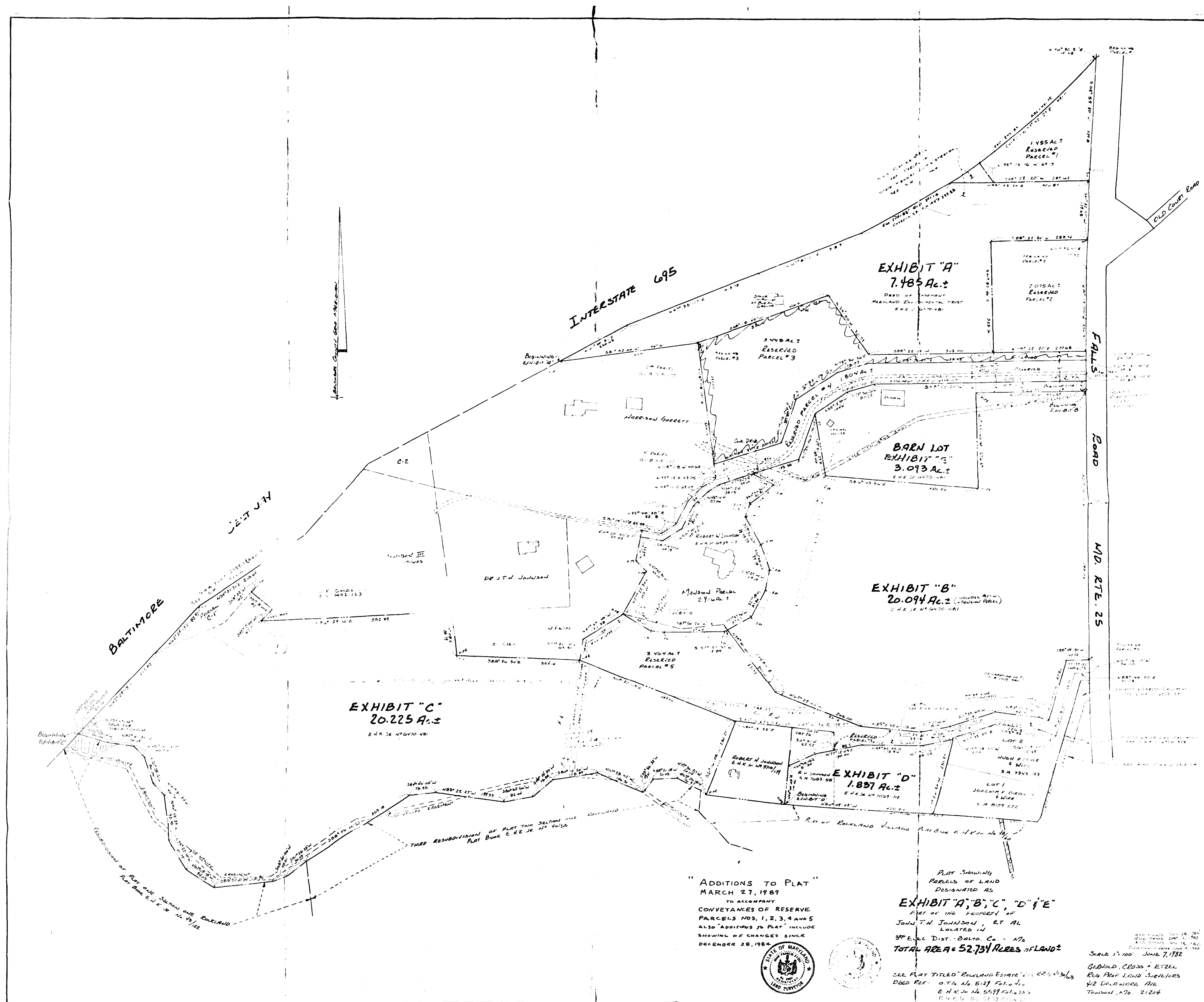
PETITIONER(S) SIGN-IN SHEET

NAME _____

ADDRESS

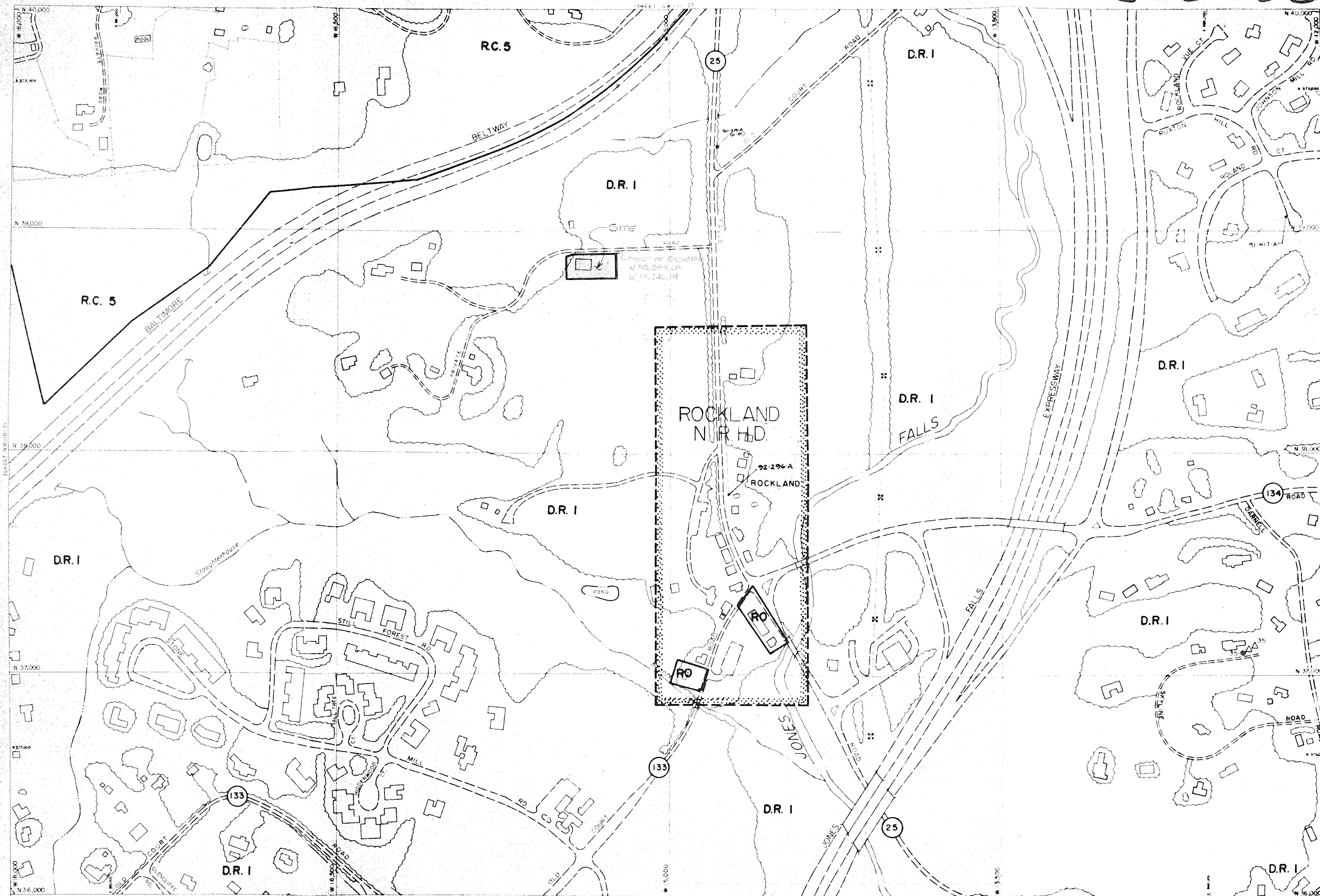
Box 112 Broadlands Rd 21022
" " " " " "
Box 516 Frankfurt, Md. 21032
6405 Riechertsk Blvd, 21222





93-389-XA

93-389-XA



O-NW O-NE
S-SW S-SE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1988
1988 Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
[Signature]
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

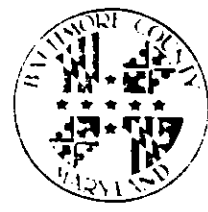
1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
1992 Nos. 123-92, 124-92, 125-92, 126-92, 127-92, 128-92, 129-92
[Signature]
Chairman, County Council

SCALE
1" = 200'
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
ROCKLAND
ITEM # 397

SHEET
N.W.
10-C

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 13, 2000

Vincent J. Moskunus, President
M & H Development Engineers, Inc.
200 E. Joppa Road, Room 101
Shell Building
Towson, Maryland 21286

Dear Mr. Moskunus:

RE: Zoning Verification, Case #93-390-SPHXA, Dogwood Station, 2351 Rolling Rd.,
2nd Election District

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. Your client's request is for a 2,774 square foot proposed Wendy's restaurant to be located in the same location as the building labeled "3, proposed restaurant 2,400 square feet" on the site plan which accompanied granted zoning hearing case #93-390-SPHXA. The proposed 2,774 square foot Wendy's includes areas for walk-in freezers, refrigerator and receiving area. Since the existing parking spaces setback 10 feet from the street right-of-way, and the parking aisle widths are a minimum of 22 feet wide the parking calculations enacted May 26, 1988 can be utilized. The required number of spaces for this 2,774 square foot restaurant at 16 spaces per 1,000 square feet of gross floor area equals 44.384-45, a reduction of 3 spaces from the granted parking variance. As such the proposed Wendy's restaurant would be permitted.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John J. Sullivan

John J. Sullivan
Planner II
Zoning Review

JJS:kev
Enclosure

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 000000

DATE	ACCOUNT
AMOUNT	\$
RECEIVED FROM	
FOR	
DISTRIBUTION	
WHITE - CASHIER	PINK - AGENCY
YELLOW - CUSTOMER	

CASHIER'S VALIDATION

M&H Development Engineers, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286

March 22, 2000

Permits and Development Management
Attention: Arnold Jablon, Director
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Dogwood Station
2351 Rolling Road

Dear Mr. Jablon,

This firm is acting as agent for David's Restaurants, Inc. We are requesting to be permitted to construct a "Wendy's" Restaurant at the above location. David's Restaurants will be leasing the area from the owner, Dogwood Associates Limited Partnership, part of the Questar Building Company.

Over the years it has been the subject of at least three zoning cases and perhaps a reclassification of zoning for the area from D.R. 5.3 to B.L. under 89C SP-360.

A. Case No. 89-497-SPH, July 25, 1989 approval to permit parking in a residential zone

B. Case No. 91-280A, July 1, 1991 approval to permit two (2) signs and variance parking from 517 to 472 spaces. This variance is shows the proposed restaurant site as area 3. The area of the building to be 2,400 square feet.

C. Case No. 93-390-SPHXA (copy of order and exhibit enclosed)
July 1, 1993 approval to permit 8 parking spaces in lieu of the required 48 spaces for parking in the above mentioned area 3. In addition, to allow a community building special hearing to modify Case No. 91-280A.

The above mentioned proposed restaurant pad has not been constructed. The area of the proposed "Wendy's" is 2,774 square feet which includes the walk-in freezers, refrigerator and receiving area. Because "Wendy's" does not serve alcohol the parking requirement remains at 48 spaces, which does not increase the amount of the approved variance for parking. Case No. 93-390-SPHXA. It is the opinion of this firm that the increase of the proposed building size does not change the approval of the original application and that it falls within the spirit and intent of the zoning regulations.

Best regards,

Vincent J. Moskunus
Vincent J. Moskunus
President

Enclosures

cc: John Calvin
David's Restaurants, Inc.

Phone (410) 828-9060 Fax (410) 828-9066

Census 2000 For You, For Baltimore County Census 2000

Printed with Soy-based Ink on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

93-390 SPHXA

lic health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing, special exception and variance relief should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of July, 1993 that the Petitions for Special Hearing to approve a modification of the previously approved site plan in Case No. 91-280-A, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a community building for social, recreational, and educational purposes, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance requesting relief from Section 609.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 472 parking spaces in lieu of the required 557 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Witek
TIMOTHY M. WITEK
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

LETTER OF TRANSMITTAL

M. & H. DEVELOPMENT ENGINEERS, INC.

DIRECT CORRESPONDENCE TO

101 SHELL BUILDING
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
TEL: 410-828-9060
FAX: 410-828-9066

TO: PDM	DATE: 3/23/00			
SUBJECT: Wendy's Restaurant SPIRIT & INTENT				
ATTENTION: Arnold Jablon	OUR FILE: 6647			
WE ARE: <input checked="" type="checkbox"/> HEREWITH <input type="checkbox"/> UNDER SEPARATE COVER TRANSMITTING VIA <input checked="" type="checkbox"/> MESSENGER <input type="checkbox"/> U.S. MAIL () THE FOLLOWING:				
QUANTITY	DRAWING	REVISION	LATEST DATE	DESCRIPTION AND/OR TITLE
1	1			check # 8160 402
1	1			Spirit & Intent letter
1	1			prints Dogwood Station Plan
1	1			opie's case # 93-390-SPHXA

TRANSMITTED AS INDICATED BELOW:

<input type="checkbox"/> PER AGREEMENT	<input type="checkbox"/> APPROVED - DWG(S)
<input type="checkbox"/> PER YOUR REQUEST	<input type="checkbox"/> APPROVED AS NOTED - DWG(S)
<input type="checkbox"/> FOR YOUR INFORMATION	<input type="checkbox"/> RETURNED FOR CORRECTION - DWG(S)
<input checked="" type="checkbox"/> FOR APPROVAL	<input type="checkbox"/> PLEASE RESUBMIT - DWG(S)
<input type="checkbox"/> FOR COMMENT	
COPY(S) OF _____	SENT TO _____
COPY(S) OF _____	SENT TO _____
COPY(S) OF _____	SENT TO _____

REMARKS: IF YOU CAN EXPEDITE THIS S.I. REQUEST IT WOULD BE DEEPLY APPRECIATED. THE GENSE BETWEEN MR. JOHN CALVIN AND DAVID'S RESTAURANT DEPENDS ON THIS REQUEST.

☐ PLEASE SIGN AND RETURN ONE COPY OF THIS TRANSMITTAL AS A RECEIPT

VERY TRULY YOURS,

M. & H. Development Engineer, Inc.

SENT BY: *John*

RECEIVED BY: _____

DATE: _____

